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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,001	12/10/2003	Brett Mezen	273402004900	9445
25226	7590	05/15/2007		
MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018			EXAMINER NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			05/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,001

Applicant(s)

MEZEN ET AL.

Examiner

Kim T. Nguyen

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The amendment filed on 2/20/07 has been entered. By this amendment, claim 6 has been canceled, and claims 1-5 and 7-20 are now pending in the application.

Claim Objections

1. Claims 1, 3-4, 11 and 13-14 are objected to because of the following informalities:

In claim 1, line 6, the claimed limitation "a base game" should be corrected to "the base game".

In claim 3, line 2, the claimed limitation "the number of times" should be corrected to "a number of times".

In claim 4, line 2, the claimed limitation "the number of times" should be corrected to "a number of times".

In claim 11, line 7, the claimed limitation "a base game" should be corrected to "the base game".

In claim 13, line 2, the claimed limitation "the number of times" should be corrected to "a number of times".

In claim 14, line 2, the claimed limitation "the number of times" should be corrected to "a number of times".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not disclose the new added limitation "displaying a count of the number of times a particular event has occurred during the base game".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura (US 6,988,732) in view of Brossard et al (US 6,364,767).

Re claim 1: Vancura discloses a gaming machine having a display and a game controller arranged to control images of symbols displayed on the display, the game controller being arranged once a player has bet a wager to play a base game wherein at least one random event is caused to be displayed on the display and, if a predefined

winning event occurs, the machine awards a prize, the game controller being adapted to test whether a trigger event has occurred during the play of the base game, and if so, award the player a game feature (col. 10, lines 16-20, 35-51 and 56-65; col. 19, lines 37-67; col. 20, lines 1-14; col. 5, lines 23-30; col. 10, lines 1-12; col. 11, lines 4-12 and 45-55; col. 19, lines 46-49; and col. 21, lines 57-59). Vancura does not explicitly disclose that the game feature having a different probability of occurring, and that the gaming machine comprises a selector operable by the player prior to the play of the awarded game feature as claimed. However, Brossard discloses a game feature having a different probability of occurring (col. 4, lines 30-31), and Brossard discloses a gaming machine comprises a selector (e.g. touch screen) operable by the player prior to the play of the awarded game feature to enable the player to select at least one of the possible outcomes of the game feature (Figs. 1, 4 and 6; col. 3, lines 56-67; col. 4, lines 1-2, 30-33 and 42-51) and, if the selected outcome occurs the game controller is adapted to award a bonus to the player; wherein the value of the bonus awarded to the player is related to the probability of achieving the selected outcome (Fig. 8; col. 4, lines 42-44 and 53-59). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the game feature and the selector of Vacura with the game feature and the selector as taught by Brossard in order to offer the opportunity for more interactive gaming.

Re claim 2: Vacura discloses in which the game feature is a series of free games (col. 15, lines 45-47; and col. 20, lines 6-9).

Re claims 3-4: requiring a player to predict a number of time a particular symbol occurs during the playing of a series of games would have been both well known and obvious design choice according to a designer's preference.

Re claim 5: Brossard discloses the outcome relates to an amount won during the game feature (Fig. 8).

Re claim 7: claim 7 is rejected on the grounds corresponding to the reasons given above for claim 1.

Re claim 8: Vancura discloses a display for displaying information related to the outcome (col. 11, lines 7-12) and Brossard discloses a display for displaying information relating to the game (col. 3, lines 8-9). Vacura and Brossard do not disclose displaying a count of the number of times a particular event has occurs. However, displaying a particular information on a display would have been obvious matter of design choice. One of ordinary skill in the art would have found it obvious to display a particular information such as a count of the number of times a particular event has occurs, because modifying information to be displayed on a display would requires only routine skill in the art.

Re claim 9: Brossard discloses the gaming machine in which the selector is a touch screen 114 (Fig. 4).

Re claim 10: awarding a bonus award which is multiplied by the wager in the base game would have been well known to a person of ordinary skill in the art at the time the invention was made.

Re claim 11: claim 11 is rejected on the grounds corresponding to the reasons given above for claim 1.

Re claim 12: claim 12 is rejected on the grounds corresponding to the reasons given above for claim 2.

Re claims 13-14: claims 13-14 are rejected on the grounds corresponding to the reasons given above for claims 3-4.

Re claim 15: claim 15 is rejected on the grounds corresponding to the reasons given above for claim 5.

Re claim 16: Vancura discloses relating the bonus award to the degree of difficulty of achieving the outcome (col. 15, lines 20-21).

Re claim 17: claim 17 is rejected on the grounds corresponding to the reasons given above for claim 7.

Re claim 18: Vancura discloses a display for displaying information related to the outcome (col. 11, lines 7-12).

Re claim 19: claim 19 is rejected on the grounds corresponding to the reasons given above for claim 9.

Re claim 20: claim 20 is rejected on the grounds corresponding to the reasons given above for claim 10.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(571) 273-8300, (for formal communications; please mark
"EXPEDITED PROCEDURE").

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim T. Nguyen whose telephone number is (571) 272-

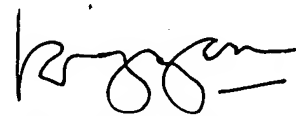
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4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Date: May 12, 2007



Kim T. Nguyen
Primary Examiner
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